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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,361	03/29/2000	David M. Goodman	673-1002	6985

7590 11/06/2003

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EXAMINER

MEHRA, INDER P

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/537,361

Applicant(s)

GOODMAN, DAVID M.

Examiner

Inder P Mehra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to application dated: 8/25/03. Claims 1-13 are pending.

Specification

2. The disclosure is objected to because of the following informalities:

Refer to page 7 lines 26- page 8 line 7. Specifications recite, "one data port being arranged to communicate said first data signal to said other data port---" It is not clear as to other port is input port or output port.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 5, 6, 8, 10, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by **Taniguchi** (US Patent No. 6,496,518).

For claims, 1, 5, 6, 8, 10, 12 and 13, Taniguchi discloses a synchronous transmission apparatus for use in a synchronous transmission network in which data signals are carried on transmission paths, refer to figs. 1, 2 and 5; col. 1 lines 10-15 and abstract; the data units being arranged in container units, (virtual tributary unit (VT)), refer to col. 63-65, and abstract; being

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associated with respective pointer bits (pointer bytes 13, refer to fig. 9 and 10) which indicate the position of the container unit within a respective data frame, the apparatus comprising:

first and second data ports each arranged-----carried on a respective first and second transmission paths, refer to col. 18 lines 33-45, col. 18 lines 66 thru col. 19 lines 1-5;

a path selection module (multiplexing section), co-operable with each of said first and second data ports and arranged to select one of the first and second data ports and arranged to select---paths, refer to multiplexing section in abstract, fig. 13, col. 8 lines 15-17 and col. 19 lines 60-67;

a third data port co-operable with the path selection module to output data received---paths, refer to abstract, fig. 16 (a), col. 19 line 60-67;

the third data port being arranged to receive a second data signal ----- first and second data ports for output thereby, refer to col. 7 lines 29-37;

a message encoding module arranged to determine which of first and second -----adjust at least one of the pointer bits (pointer processing, col. 13 line 45, phase adjustment processing, col. 13 lines 35-43 and figs. 9 and 10;

each of said first and second and second data ports being co-operable with the second data signal-----second path is selected, pointer processing, col. 13 line 45, phase adjustment processing, col. 13 lines 35-43 and figs. 9 and 10.

5. For claims 2, 7, 9 and 11, Taniguchi discloses the subject matter of these claims including limitation: "wherein said pointer bits include new data flag (NDF) bits (flag information facilitating selection of the communication route (signaling channels, as specified at specification page 16 lines 1-15), refer to col. 8 lines 10-15), said message encoder module being arranged to

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adjust one or more of said flag (NDF) bits, (phase adjustment processing for synchronization between a transmission frame and main signal), refer to col. 8 lines 10-20, col. 13 lines 35-43.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Taniguchi et al, hereinafter, Taniguchi**, as applied to claim 1 above, and further in view of over **Baydar et al** (US Patent No. 5,717,693), hereinafter, Baydar and further, in view of **Goodman** (US Patent No. 5,822,299).

For claims 3 and 4, Taniguchi discloses all the limitations of subject matter, with the exception of the limitation, “generating new pointer bits to adapt the second data signal to the local timing of apparatus (dynamic alignment of the synchronous payload envelop, refer to col. 1 lines 31-37, col. 3 lines 25-38 ; the message encoder module being arranged to adjust at least one pointer bit of the generated new pointer bits (adjust the received pointers according to the difference between the line and local rates, refer to abstract, refer to col. 3 lines 25-38”;

Baydar discloses, “generating new pointer bits to adapt the second data signal to the local timing of apparatus, the message encoder module being arranged to adjust at least one pointer bit of the generated new pointer bits”.

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Goodman also discloses, "the signal is adapted to the timing of that equipment ----pointer processing", refer to col. 4 lines 10-20.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of, "generating new pointer bits to adapt the second data signal to the local timing of apparatus, the message encoder module being arranged to adjust at least one pointer bit of the generated new pointer bits". The capability can be implemented by combining the system as taught by Baydar, Goodman and Taniguchi at the network control. The suggestion/motivation to do so would have been to synchronize data signal with the internal clock rate and adjust pointer bits.

Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bronte et al (US Patent No. 5,621, 720) discloses multi-channel alignment system and method which provides a D\$3 level access, monitor and test systems for telephone network.

Conclusion

9. Any enquiry concerning this communication should be directed to Inder Mehra whose telephone number is (703) 305-1985. The examiner can be normally reached on Monday through Friday from 8:30AM to 5:00 PM.

If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Seema Rao , can be reached on (703) 308-5463. Any enquiry of a general nature of relating to the status

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of this application or processing should be directed to the group receptionist whose telephone number is (703) 305-4700.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to (703) 872-9314.

Hand -delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA, sixth floor (Receptionist).

Inder Mehra
Inder Mehra

October 25, 2003



D. M. KINGSTON
PRIORITY EXAMINER